

**THE COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES  
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**ACTIONS FOR  
WEDNESDAY, JUNE 9, 2004, AT 2:00 P.M.**

**COUNCIL COMMITTEE ROOM (12TH FLOOR), CITY ADMINISTRATION  
BUILDING  
202 C STREET, SAN DIEGO, CALIFORNIA**

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**COUNCIL COMMENT**

ACTION: None received.

**NON-AGENDA PUBLIC COMMENT.** Theresa Quiroz, regarding car sales on the public right-of-way.

**NON-AGENDA PUBLIC COMMENT.** John Hunter, regarding taking action pertaining to loud car stereos.

ITEM-1: Report from the City Attorney on a proposed amendment to the San Diego Municipal Code adding Sections which would require a POLICE PERMIT TO OPERATE AS A TOBACCO RETAILER IN THE CITY OF SAN DIEGO.

(See O-2004-142; City Attorney's June 7, 2004, report)

ACTION: Motion by Councilmember Lewis, second by Deputy Mayor Atkins to direct the City Manager and City Attorney to work with the Police Department to propose the appropriate fee structure for administration and enforcement of the Tobacco Permit Ordinance including the follow-up as identified in the City Attorney's presentation. Follow-up shall include the number of permittees, employer costs, a grandfather clause, and a grace period. Return to the Committee within 30 days, or as soon as possible thereafter. Additionally, the City Manager is directed to make sure that all stakeholders are included in the process of developing the

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ordinance prior to returning to Committee. And, the City should make efforts to get the County to make public the Lung Association survey results. The following items were referred to the City Manager for a report back to Committee:

- A. Recommendations for how to make enforcement complaint-driven so that the focus is on the problems rather than on all businesses.
- B. Additional information on Assembly Bill 3092 - What is it and is there funding associated with it that could benefit the City? What other State laws are in place in regard to prohibition of tobacco sales to minors?
- C. Reasons why additional regulations regarding tobacco sales are necessary. If there are similar State laws in place, include an explanation of why they don't meet the City's goals and why the City needs to act.
- D. Information on additional ways to fund the enforcement of existing tobacco laws, if the primary purpose of the new ordinance is to gain funding for enforcement.
- E. Information regarding the County's role in prohibiting tobacco sales and enforcing existing laws in this regard.
- F. An accounting of the tobacco funds the City receives.
- G. Address the equity issues with regard to charging small businesses and large grocery stores the same permit fee.
- H. Make every effort to identify specific businesses, if any, within each Council District, that sell tobacco to minors according to the results of the surveys referenced in preparation of the proposed ordinance..

VOTE: 5-0; Maienschein-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Frye-yea

ITEM-2: APPEAL relative to hearing officer's decision to revoke the Massage Technician Permit of Anja Lee (Permit No. 16467).

(See City Attorney's June 3, 2004, and April 22, 2004, letters; John Rivera's May 4, 2004, April 2, 2004, and January 5, 2004, letters; Request for Extension of Time; City Clerk's December 16, 2003, memo)

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ACTION: Motion by Deputy Mayor Atkins, second by Councilmember Lewis to continue the item, per request from the appellant's attorney, due to an unavoidable schedule conflict.

VOTE: 4-0; Maienschein-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Frye-not present

Brian Maienschein  
Chair